

**4136. Misbranding of "Phedrin." U. S. v. Mary H. Kauffman (American Remedy Co.). Plea of guilty. Fine, \$5. (F. & D. No. 6122. I. S. No. 3531-h.)**

On June 2, 1915, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mary H. Kauffman, trading as the American Remedy Co., Philadelphia, Pa., alleging the sale by said defendant, on or about February 25, 1913, under a guaranty that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act, as amended, of a quantity of an article called "Phedrin" which was a misbranded article within the meaning of said Food and Drugs Act, as amended, and which said article was, on or about July 18, 1913, shipped by the purchaser thereof, in the identical condition in which received from the defendant, from the State of Pennsylvania into the State of New Jersey, in violation of said Food and Drugs Act. The article was labeled: (On carton) "Phedrin is the trade name of the plant which is known among the Mexicans as Canutillo, and by the Indians as Te-po-po-te. It is known both among Mexicans and Indians as a great Blood Purifier. When used as a Tea it removes Uric Acid and other impurities from the blood, and thus curing Rheumatism and similar diseases. Price per package 50 cents. When sent by mail 56 cents. Guaranteed by American Remedy Co., under the Food and Drugs Act, June 30, 1906. Serial No. 30648. For Sale by American Remedy Co. Room 711, Mutual Life Building 1001 Chestnut St., Philadelphia, Pa. And by all Druggists." (Back) "Rheumatism usually is caused by Uric Acid in the blood and a diseased condition of the Kidneys. Phedrin when used as a tea will remove the Uric Acid and other impurities from the blood and will cause the kidneys to do their natural work and thus effecting a cure of Rheumatism and other diseases arising from weak or diseased kidneys. Phedrin will be most effective when used in place of tea or coffee or alcoholic stimulants. It so invigorates the system as in some cases to take away the desire for alcoholic beverages." (Sides) "Phedrin the great Mexican Blood Purifier is a diuretic, acting directly on the kidneys, taking uric acid and other impurities from the blood. It is remarkable for affording relief in Dropsy, Diabetes and Bright's Disease, and it is a splendid Tonic and Appetizer. Price, 50c.; by mail, 56c. a package. For Sale by American Remedy Company, 711 Mutual Life Building, 1001 Chestnut St., Philadelphia, Pa. Phedrin should be used strictly in accordance with these directions. Put one tablespoonful of Phedrin into one quart of boiling water in an earthenware vessel, cover and brew for half an hour or more on back of stove where it will keep hot, but not boil. Drink hot or cold, preferably hot, one cup full daily before each meal and on going to bed. The best results can be obtained if it is used in place of tea and coffee. If the stomach at first rejects it, which sometimes happens, drink it hot and sweetened. If not strong enough to suit taste increase quantity of herb. Make fresh each day."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of the cut herb of a species of Ephedra.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "Phedrin When used as a Tea will remove the Uric Acid and other impurities from the blood \* \* \* and thus curing Rheumatism \* \* \* Phedrin the great \* \* \* Blood Purifier \* \* \* It is remarkable for affording relief in Dropsy, Diabetes, and Bright's Disease \* \* \*," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof,

and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, for removing uric acid and other impurities from the blood, and thus curing rheumatism, and effective as a blood purifier, and effective for affording relief in dropsy, diabetes, and Bright's disease, when, in truth and in fact, said article was not in whole or part composed of, and did not contain, ingredients or medicinal agents effective for removing uric acid and other impurities from the blood, thus curing rheumatism, or effective as a blood purifier, or effective for affording relief in dropsy, diabetes, or Bright's disease.

On June 18, 1915, defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

CARL VROOMAN, *Acting Secretary of Agriculture.*